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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,393	08/20/2001	Albert James Yovichin	DN1998168US	2980

7590

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 03/19/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,393

Applicant(s)

YOVICHIN ET AL.

Examiner

Geoffrey L. Knable

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, reference is made to providing a press platen but it is not clear how or where this fits into the method described in claim 1. Although it is apparently part of the curing means, clarification of the claim language in this regard is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seiberling (US 4,166,883) or GB 2224031 to Uniroyal taken in view of Mirtain (US 4,065,338) and/or Böhm (US 4,089,360).

Both Seiberling '883 and GB '031 suggest providing the innerliner in precured form but do not suggest a profile with thicker central region. It however is known in this art to be desirable to provide a tire innerliner with a thickened central region to avoid the thinning of the innerliner than occurs with shaping of the tire to toroidal form, this further allowing the liner to overall use less material than otherwise – note Mirtain as well as Böhm (esp. col. 3, lines 18+). As such, to form a precured liner to have a profile with thickened center region would have been obvious and lead to only the expected results. The particular degree of thickness variation would have been a variable whose optimum value would have been readily and routinely determined by the artisan dictated by the desire to have an overall even thickness in the final product – the claimed thickness being obvious and leading to only the expected results, it being stressed that applicant apparently desires the same final result and thus the artisan would be expected to arrive at similar values for this result effective variable. Calendaring to form the desired shape of the liner is also suggested by Mirtain as well as Böhm (col. 6, lines 39-40). Such would render the method as well as the resultant product as claimed obvious. The particular splice angle would have been selected based upon well known considerations, it being well known per se in this art that higher angles lead to expected improvements in the bond. As to claim 9, an entirely precured liner would have a precured splice as claimed.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Böhm (US 4,089,360).

Böhm provides an innerliner in precured form where the innerliner further may be contoured with a thicker central region – note esp. fig. 3. The particular degree of thickness variation would have been a variable whose optimum value would have been readily and routinely determined by the artisan dictated by the desire to have an overall even thickness in the final product while accommodating the thinning that occurs with shaping – the claimed thickness being obvious and leading to only the expected results, it being stressed that applicant apparently desires the same final result and thus the artisan would be expected to arrive at similar values for this result effective variable. Calendaring to form the desired liner is also suggested by Böhm (col. 6, lines 39-40). Such would render the method as well as the resultant product as claimed obvious. The particular splice angle would have been selected based upon well known considerations, it being well known per se in this art that higher angles lead to expected improvements in the bond. As to claim 9, an entirely precured liner would have a precured splice as claimed.

Although it is recognized that the Böhm liner includes some uncured layers, it still clearly includes a predetermined portion of full length that is precured as claimed.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loomis (US 2,688,996) and/or Gitzinger (US 3,027,289) taken in view of Mirtain (US 4,065,338) and/or Böhm (US 4,089,360).

Both Loomis and Gitzinger suggest providing the innerliner with only the splice area in apparently precured form to enable a better seal and thus bladderless curing but do not suggest a profile with thicker central region. It however is known in this art to be


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desirable to provide a tire innerliner with a thickened central region to avoid the thinning of the innerliner than occurs with shaping of the tire to toroidal form, this further allowing the liner to overall use less material than otherwise – note Mirtain as well as Böhm (esp. col. 3, lines 18+). As such, to form a precured liner to have a profile with thickened center region would have been obvious and lead to only the expected results. The particular degree of thickness variation would have been a variable whose optimum value would have been readily and routinely determined by the artisan dictated by the desire to have an overall even thickness in the final product – the claimed thickness being obvious and leading to only the expected results, it being stressed that applicant apparently desires the same final result and thus the artisan would be expected to arrive at similar values for this result effective variable.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 703-308-2062. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
March 16, 2003